IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

FAO No.482 of 1987

Date of Decision: 17.12.2007

Nirmala Kumari and others

Appellants

versus

Pala Singh and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

Present: None for the appellants
Ms.Nirmaljit Kaur, Addl.A.G. Punjab for the State

Jasbir Singh, J. (Oral)

Appellants who are the claimants, have filed this appeal against award passed by the Motor Accident Claims Tribunal, Ferozepur (in short, the Tribunal) on 11.11.1986, awarding an amount of Rs.76,000/- to them, by way of compensation, with regard to the death of Ramesh Kumar. In this appeal, prayer is to enhance the compensation amount.

It is apparent from the records that Ramesh Kumar had died in a motor accident on 1.1.1986. Factum of accident and death of Ramesh Kumar in that accident is not in dispute. It is also an admitted fact that Ramesh Kumar was 39 years of age. He has left behind his widow and three minor children. The Tribunal has assessed his income at Rs.700/- per month. Dependency of the claimants was assessed at Rs.400/- per month. Rs.300/- was deducted towards personal spending of the deceased. This

Court feels that in view of large family, having three minor children, it is not possible that the deceased might be spending more than 1/3rd amount, of his salary, for his personal use. It is a case where unit system, as suggested by their Lordships of the Hon'ble Supreme Court in *U.P.State Road Transport Corporation and others v. Trilok Chandra and others, 1996 ACJ 831,* is required to be adopted.

In view of ratio of judgment, referred to above, two units can be earmarked for the deceased, two units for widow and one unit each for the three minor children. Total number of units comes to seven. Income equivalent to two units can be deducted towards personal spending of the deceased and it will come to Rs.200/- per month and accordingly, after deducting the said amount from income of the deceased, Rs.500/- can be taken as dependency of the family. Keeping in view age of the deceased, multiplier of 16, which was applied by the Tribunal, is perfectly justified. After making calculations, now the total amount of compensation would come to Rs.96,000/-. Amount now enhanced shall be paid along with interest @ 8% per annum (simple) from the date of moving application, to claim compensation, till its realisation.

With above-mentioned modifications, appeal stands disposed of.

January 17, 2007 **(Jasbir Singh)**
gk **Judge**